

EXHIBIT H

Audio Recording of April 8, 2019 Disciplinary Hearing

STATE DEF 001277

(submitted electronically to the Court as per instructions from chambers)

NEW YORK STATE
OFFICE OF THE ATTORNEY GENERAL

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AUDIO FILE:

“Wills Ruben 17A3437 – Lincoln cf 4-18-19 tier 2”

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Appearances:

Lieutenant Woodberry

Ruben Wills

Transcribed by: Sam Kim

1 [START RECORDING – Wills Ruben 17A3437 –
2 lincoln cf 4-18-19 tier 2]

3 LIEUTENANT WOODBERRY: We're recording a
4 tier two hearing for inmate, Wills, 17A347. The
5 date is April 8, 2019. I will now stop the tape to
6 test it. The date is April 8, 2019. The time is
7 4: 25 p.m. My name is Lieutenant Woodberry
8 [phonetic], Hearing Officer. I was designated to
9 conduct this hearing by the superintendent
10 pursuant to chapter seven NYCRR.
11 This hearing is being held in the disciplinary
12 office 4th floor. Identify yourself, by stating
13 your name and DIN number.

14 MR. RUBEN WILLS: Ruben Wills ID – DIN
15 Number is 17A3437.

16 LIEUTENANT WOOBURY: This is a tier two
17 of the disciplinary procedure. The entire
18 proceeding is recorded. Speak clearly and refrain
19 from speaking while others are speaking, so that
20 the tape recorder will record all testimony that is
21 given. You may have witnesses on your behalf.
22 Nothing said by you will be used against you in any
23 criminal proceeding. You should present any oral
24 or documentary evidence that you wish to be
25 considered to me during this hearing. Any

1 procedural objections or claims that you
2 raise, should be made properly during
3 the hearing, so that they may be considered by me
4 and if possible, responded to. Do you understand
5 these rights and obligations?

6 MR. WILLS: Yes, ma'am.

7 LIEUTENANT WOODBERRY: The record
8 indicates that you were served the copy of your
9 misbehavior report on April 6, 2019, by Officer
10 McBride. Is that correct?

11 MR. WILLS: Yes.

12 LIEUTENANT WOODBERRY: Okay. The record
13 indicates that you have not chosen
14 employee assistance. Is that correct?

15 MR. WILLS: No one told me that.

16 LIEUTENANT WOODBERRY: When you was in
17 keeplock. Okay. Uhm.

18 MR. WILLS: Maybe they did not. You know
19 what I'm saying?

20 LIEUTENANT WOODBERRY: Okay.
21 That's fine.

22 MR. WILLS: The Lieutenant offered me that
23 the last time.

24 LIEUTENANT WOODBERRY: Which one?

25 MR. WILLS: Ilene/Ivy [phonetic].

1 LIEUTENANT WOODBERRY: I'm checking now.

2 MR. WILLS: Okay.

3 LIEUTENANT WOODBERRY: Do you need
4 assistance?

5 MR. WILLS: What does this employee
6 assistance do?

7 LIEUTENANT WOODBERRY: If you need them to
8 get you any records or anything, copies or
9 anything. It's – it's –

10 MR. WILLS: Oh.

11 LIEUTENANT WOODBERRY: it's really only
12 entitled if you –

13 MR. WILLS: Oh.

14 LIEUTENANT WOODBERRY: -- are in keep lock and
15 you're not able to move around. That's why
16 they took it out because you're not entitled.
17 You're able to go and get your own evidence and
18 come to the hearing on your own and everything.

19 MR. WILLS: And we getting
20 our own is not included in a report requesting things
21 like that right?

22 LIEUTENANT WOODBERRY: Yeah, anything,
23 you have evidence and stuff. Like if you needed a copy
24 of that record or anything like that.

25 MR. WILLS: We would have

1 to FOIL and then –

2 LIEUTENANT WOODBERRY: Uh-huh
3 [affirmative].

4 MR. WILLS: -- Oh yeah, okay.

5
6 LIEUTENANT WOODBERRY: So, your counselor,
7 you're able to go to your counselor.

8 MR. WILLS: All right.

9 LIEUTENANT WOODBERRY: Anything like that.

10 MR. WILLS: Okay. So I need to –

11 LIEUTENANT WOODBERRY: Anything.

12 MR. WILLS: So that means I gotta get upstairs,
13 yes. Okay. I understand.

14 LIEUTENANT WOODBERRY: The record further
15 indicates that you chose Lieutenant McCorry
16 [phonetic] to appear as a witness on your behalf?

17 MR. WILLS: Yeah, I needed a couple of
18 other witnesses also.

19 LIEUTENANT WOODBERRY: Okay. It isn't
20 stated.

21 MR. WILLS: Because uhm, Officer McBride
22 asked me at that point in time, I hadn't really had
23 time to think about it.

24 LIEUTENANT WOODBERRY: Okay.

25 MR. WILLS: Yes.

1 LIEUTENANT WOODBERRY: Who's your
2 witnesses?

3 MR. WILLS: I would like to ask the
4 nurse.

5 LIEUTENANT WOODBERRY: Uh-huh
6 [affirmative].

7 MR. WILLS: What's here name, Nurse Murphy
8 [phonetic], CO Ritley [phonetic] and the
9 investigators that came down, that was with the
10 dogs?

11 LIEUTENANT WOODBERRY: I don't know – I
12 don't know who that's gonna be.

13 MR. WILLS: And can I ask you for that
14 documentation, or do I have to go through the FOIL
15 request, how does that work?

16 LIEUTENANT WOODBERRY: What kind of
17 documentation.

18 MR. WILLS: Like I need the report
19 that was written out before the search. I know
20 that Lieutenant McCorry said that the search was
21 done because of probable cause, that the dogs hit
22 me on my locker. And I know she further said the
23 report had the same probable cause on it. I don't know
24 what the report is called or recall the number of the
25 report. So, --

1 LIEUTENANT WOODBERRY: Uh-huh
2 [affirmative].

3 MR. WILLS: -- I – I – I’m ignorant to
4 that.

5 LIEUTENANT WOODBERRY: Which report are
6 you referring to?

7 MR. WILLS: I’m ignorant to that, I don’t
8 know.

9 LIEUTENANT WOODBERRY: Which report?
10 Are you – what report?

11 MR. WILLS: There was a, I guess there
12 was a report that she had. That CO Ritley filled on
13 that day.

14 LIEUTENANT WOODBERRY: Uh-huh
15 [affirmative].

16 MR. WILLS: And she said that for the
17 search – and she said for the search, she wanted
18 to make sure I sent the probable cause of the search,
19 where the dogs, because they – the dogs that come
20 through that day.

21 LIEUTENANT WOODBERRY: I’m not sure
22 which report you’re referring to.

23 MR. WILLS: I don’t know either.

24 LIEUTENANT WOODBERRY: So, how you get
25 this information? How you requested it and you

1 don't even know –

2 MR. WILLS: I was standing there, when
3 they was filling it out.

4 LIEUTENANT WOODBERRY: Okay.

5 MR. WILLS: So, --

6 LIEUTENANT WOODBERRY: Just wait 'til
7 your witness come.

8 MR. WILLS: Okay.

9 LIEUTENANT WOODBERRY: So, you said Nurse
10 Murphy, CO Ritley and the K9 unit that came in –

11 MR. WILLS: Yeah.

12 LIEUTENANT WOODBERRY: -- with the dogs?

13 MR. WILLS: Yes, ma'am.

14 LIEUTENANT WOODBERRY: And Lieutenant
15 McCorry?

16 MR. WILLS: Yes.

17 LIEUTENANT WOODBERRY: Okay. I have
18 before me a misbehavior report, dated 4/4 at 6th
19 floor housing unit. The statute with the
20 following rules, the report is dated on 4/3, signed
21 by Lieutenant McCorry, counter signed by CO Ritley.
22 The charge is 113.14 inmate shall not
23 possess unauthorized medications.

24 114.10, an inmate shall not smuggle any items in or
25 out of the facility. The report reads on above

1 date, at – at approximate time, the time is 3:15
2 p.m. As CO McCorry was present on the unit and
3 Officer Ritley conducted the search at inmate Wills
4 locker, 17A3437. During the search, Officer
5 Ritley, discovered a prescription medication bottle
6 with two different pills – two different types of
7 pills. After the search, I brought the bottle to
8 the nurse to identify the pills. She cannot
9 readily identify three of the pills. On 4/4/19 at
10 approximately, 12:30 p.m., Nurse Murphy identified
11 the three pills as Benadryl. Inmate Wills does not
12 have a prescription for the Benadryl, nor were they
13 issued by the facility nurse, signed Lieutenant
14 McCorry, counter signed by PO Ritley. Okay. How
15 do you plead to the charges I have read to you?

16 MR. WILLS: Not guilty.

17 LIEUTENANT WOODBERRY: Hold on one
18 second. 113.14 unauthorized medication.

19 MR. WILLS: I'm not guilty.

20 LIEUTENANT WOODBERRY: 114.10, smuggling?

21 MR. WILLS: Definitely not guilty.

22 That's 114.10?

23 LIEUTENANT WOODBERRY: Yes, 114.10. So,
24 both no, you're not guilty, 113.14, not guilty and
25 114.10, not guilty.

1 MR. WILLS: Yep.

2 LIEUTENANT WOODBERRY: Is that correct,
3 not guilty –

4 MR. WILLS: Yep.

5 LIEUTENANT WOODBERRY: -- to all charges?

6 MR. WILLS: Uh-huh [affirmative].

7 LIEUTENANT WOODBERRY: Okay. Indicated
8 not-guilty both – and that's to both charges.

9 Will you sign by 12, right here? Let the record
10 reflect, inmate Wills has now signed on the section
11 12. The time is 4:34 p.m. The hearing starts. Do
12 you have any defense, objections or statements or
13 explanations regarding the charges of your
14 misbehavior report?

15 MR. WILLS: Yeah, 114.10 smuggling, an
16 inmate shall not smuggle or attempt to smuggle or
17 solicit others to smuggle any item in or out the
18 facility or from the before area to another. And
19 how'd they come up with smuggling?

20 LIEUTENANT WOODBERRY: You asking me
21 questions, this is your defense. You have to –

22 MR. WILLS: Well, --

23 LIEUTENANT WOODBERRY: -- present your –

24 MR. WILLS: -- I mean –

25 LIEUTENANT WOODBERRY: -- evidence.

1 MR. WILLS: -- because what Lieutenant McCorry
2 told me that they put down smuggling, because it
3 was in -- it wasn't in the same container that it
4 came in, that it was purchased in. So, how is that
5 smuggling, if you take out one container and put
6 it in another one or if you bring it into the facility,
7 how did it -- how'd that --

8 LIEUTENANT WOODBERRY: In another
9 container other than what the original packaging.

10 MR. WILLS: No -- no, the -- it could've been
11 brought into the facility in another container unless it
12 was in the packaging in there. Because then it would
13 be really that the nurse gave me the pills, because
14 all of my medications went to the nurse when I got
15 there.

16 LIEUTENANT WOODBERRY: Okay.

17 MR. WILLS: So, how could that be
18 smuggling if that's the case? Are they saying that
19 the nurse didn't (unintelligible), so they
20 (unintelligible)? And I'm trying to figure out what
21 smuggling is.

22 LIEUTENANT WOODBERRY: The smuggling is
23 it wasn't in the container it came in, original
24 packaging. The one container you had, said it was
25 for one medication but the Benadryl was mixed in

1 with that, in that container and that was the other
2 medication, correct?

3 MR. WILLS: So, they're saying that –

4 LIEUTENANT WOODBERRY: Correct or no?

5 MR. WILLS: No, it's not correct.

6 LIEUTENANT WOODBERRY: You didn't have
7 Benadryl in another bottle of another medication?

8 MR. WILLS: We not – we not – we not – we
9 not discussing that charge yet, we
10 discussing this charge.

11 LIEUTENANT WOODBERRY: My question to
12 you is, did you have –

13 MR. WILLS: You checked – they tried to
14 check –

15 LIEUTENANT WOODBERRY: -- Benadryl in
16 another container?

17 MR. WILLS: Lieutenant Woodberry, you can't
18 ask me that question, you know I just said –

19 LIEUTENANT WOODBERRY: I can ask you any
20 question I want to.

21 MR. WILLS: I just said not guilty to
22 both of them.

23 LIEUTENANT WOODBERRY: I am the Hearing
24 Officer.

25 MR. WILLS: Okay. I'm sorry.

1 LIEUTENANT WOODBERRY: I can ask any
2 question I want to.

3 MR. WILLS: Yes, you can you're right and
4 you –

5 LIEUTENANT WOODBERRY: And if you do not
6 want to comply with the rules of this hearing or –

7 MR. WILLS: Oh, I don't.

8 LIEUTENANT WOODBERRY: -- you don't want
9 to answer or you refuse to do the hearing, we can
10 end this tape --.

11 MR. WILLS: No, I want to.

12 LIEUTENANT WOODBERRY: -- right now.

13 MR. WILLS: No – no – no, I want to do
14 the hearing. No.

15 LIEUTENANT WOODBERRY: My question to
16 you, --

17 MR. WILLS: No.

18 LIEUTENANT WOODBERRY: Did you have
19 Benadryl in another bottle of medication?

20 MR. WILLS: No.

21 LIEUTENANT WOODBERRY: No?

22 MR. WILLS: No.

23 LIEUTENANT WOODBERRY: So, this
24 misbehavior clearly says that the prescription
25 bottle – that Benadryl was found in the

1 prescription bottle that was – that wasn't marked
2 Benadryl.

3 MR. WILLS: Right. And that's what I'm
4 asking and because it occurred before that, because
5 if they're saying that, that's not the definition
6 of smuggling 114 – 114.10. The definition of
7 smuggling is to bring it in to a facility and I'm
8 assuming – shall not smuggle, attempt to smuggle
9 and solicit others to smuggle it in. So, I'm
10 assuming that's bringing it in, not clearly being
11 legal or something like that. So, how can
12 smuggling be a charge, if they're saying it has to
13 be brought in that manner.

14 LIEUTENANT WOODBERRY: No, it's saying
15 that you had – you were hiding,
16 concealing it --

17 MR. WILLS: Yes, ma'am.

18 LIEUTENANT WOODBERRY: In another
19 container –

20 MR. WILLS: Yes, ma'am.

21 LIEUTENANT WOODBERRY: -- that wasn't
22 that – that's the smuggle, right?

23 MR. WILLS: What was – where they report
24 at?

25 LIEUTENANT WOODBERRY: I don't know if you

1 got it from the – I’m not here to say if you got
2 it from the nurse, that’s on you. This says you have
3 Benadryl bottles and Benadryl pills –

4 W: (unintelligible).

5 LIEUTENANT WOODBERRY: -- in another
6 bottle, that’s not – that wasn’t marked Benadryl,
7 yes or no?

8 MR. WILLS: That’s what it says, yes.

9 LIEUTENANT WOODBERRY: No, yes or no?

10 MR. WILLS: Yes.

11 LIEUTENANT WOODBERRY: Was there
12 Bendaryl pills in another bottle?

13 MR. WILLS: No.

14 LIEUTENANT WOODBERRY: No?

15 MR. WILLS: Yes.

16 LIEUTENANT WOODBERRY: So, where they
17 found the Benadryl pills?

18 MR. WILLS: They found it in my bag, in
19 the locker. I had the pills. I’m not saying I
20 didn’t have the pills.

21 LIEUTENANT WOODBERRY: Was the pills in a
22 bottle with another medication?

23 MR. WILLS: Not at that time, no.

24 LIEUTENANT WOODBERRY: Not at the time?

25 MR. WILLS: No.

1 LIEUTENANT WOODBERRY: So, they put the
2 Benadryl pills into –

3 MR. WILLS: I don't know. I want to get
4 into the smuggling aspect of it, (unintelligible).

5 LIEUTENANT WOODBERRY: I'm trying to
6 explain it to you but you're trying to go around
7 the question.

8 MR. WILLS: No, I'm not.

9 LIEUTENANT WOODBERRY: Smuggling comes
10 in, you're – you're concealing something that's not in
11 its original container in something else. You're
12 telling me the –

13 MR. WILLS: Right.

14 LIEUTENANT WOODBERRY: -- Benadryl pills,
15 wasn't mixed in with another prescribed
16 medication, --

17 MR. WILLS: No – no.

18 LIEUTENANT WOODBERRY: -- is that what you
19 saying?

20 MR. WILLS: They were in – the pills –
21 my pill bottle.

22 LIEUTENANT WOODBERRY: That's smuggling,
23 it's in another container and it did not come in
24 its original packaging. You're hiding the Benadryl
25 pills in another bottle. It wasn't prescribed to

1 you – it wasn't prescribed to you.

2 MR. WILLS: If the medication's not
3 prescribed, then it's unauthorized medication.

4 LIEUTENANT WOODBERRY: correct. That's –

5 MR. WILLS: I understand that –
6 I understand.

7 LIEUTENANT WOODBERRY: -- that's one of
8 the charges.

9 MR. WILLS: I understand that.

10 LIEUTENANT WOODBERRY: That's one charge.

11 MR. WILLS: That's one charge but
12 smuggling –

13 LIEUTENANT WOODBERRY: The charge is
14 smuggling in another – concealing it in another
15 container –

16 MR. WILLS: That's not what the charge
17 is.

18 LIEUTENANT WOODBERRY: -- that's not
19 permissible. You did not get a prescription for.
20 Where did the Benadryl come from?

21 MR. WILLS: Lieutenant Woodberry?

22 LIEUTENANT WOODBERRY: Yes.

23 MR. WILLS: That is not – that's not
24 what the definition of the charge was.

25 LIEUTENANT WOODBERRY: Okay. What does

1 it say? You just read it yourself.

2 MR. WILLS: I just read the charge.

3 LIEUTENANT WOODBERRY: Okay. What does
4 it say?

5 MR. WILLS: And that's not the definition
6 of the charge at all. The charge says, in 114.10,
7 an inmate shall not smuggle or attempt to smuggle
8 or solicit others to smuggle, any item in or out of
9 the facility from another area to another.

10 LIEUTENANT WOODBERRY: Correct.

11 MR. WILLS: In or out of –

12 LIEUTENANT WOODBERRY: hold on.

13 MR. WILLS: -- the facility.

14 LIEUTENANT WOODBERRY: Correct.

15 MR. WILLS: Right

16 LIEUTENANT WOODBERRY: Where did you get
17 the Benadryl from? You didn't get it from in, so
18 you had to bring it from outside, inside. And you
19 didn't bring it in the Benadryl box, did you?

20 MR. WILLS: Now why would you say I
21 didn't?

22 LIEUTENANT WOODBERRY: I'm asking you,
23 that's the question. I said, did you? That's a
24 question.

25 MR. WILLS: But how did I prove that?

1 LIEUTENANT WOODBERRY: Did you?

2 MR. WILLS: I'm asking.

3 LIEUTENANT WOODBERRY: Yes or no?

4 MR. WILLS: No, 'cause you're
5 asking – you're telling me – you – you just said
6 earlier that I have – I have to be with a
7 permanent defense.

8 LIEUTENANT WOODBERRY: Correct.

9 MR. WILLS: And my permanent defense is
10 how would I – I'm asking you, how would I prove
11 that, because now that everything is in its place
12 as guilty – guilty – guilty – guilty?

13 LIEUTENANT WOODBERRY: No.

14 MR. WILLS: So, how come –

15 LIEUTENANT WOODBERRY: You're innocent
16 'til proven guilty. Right now, you're being
17 charged with these misbehavior reports, it's on you
18 the burden of proof.

19 MR. WILLS: And how do I prove?

20 LIEUTENANT WOODBERRY: And I'm asking
21 you – I'm an impartial party. I'm not involved
22 one way or the other. I'm asking you a question.
23 Where did the Benadryl come from? The nurse did
24 not prescribe it to you. Clearly, she stated that
25 he was not prescribed that inside, which means it

1 had to be brought from outside or you got it from
2 another inmate. So, either way, it wasn't
3 prescribed to you.

4 MR. WILLS: That's not what I was
5 [unintelligible].

6 LIEUTENANT WOODBERRY: Correct.

7 MR. WILLS: That's not smuggling.

8 LIEUTENANT WOODBERRY: Smuggling is in
9 another container that it didn't come in.

10 MR. WILLS: That's not what smuggling is.

11 LIEUTENANT WOODBERRY: It comes
12 in – bringing it inside, because you didn't get it
13 inside, you brought it from outside.

14 MR. WILLS: And if you brought –

15 LIEUTENANT WOODBERRY: My question to
16 you was –

17 MR. WILLS: -- if you brought it from the
18 outside –

19 LIEUTENANT WOODBERRY: Let me finish my –

20 MR. WILLS: Yes.

21 LIEUTENANT WOODBERRY: If you interrupt me
22 again, we're gonna stop the hearing.

23 MR. WILLS: I'm not interrupting you.

24 LIEUTENANT WOODBERRY: I'm asking you
25 questions.

1 MR. WILLS: Yes.

2 LIEUTENANT WOODBERRY: You cutting me
3 off –

4 MR. WILLS: Right.

5 LIEUTENANT WOODBERRY: -- asking me
6 questions.

7 MR. WILLS: I'm sorry.

8 LIEUTENANT WOODBERRY: This is my last
9 warning to you, we're gonna stop the hearing.

10 MR. WILLS: Yes, ma'am.

11 LIEUTENANT WOODBERRY: My question is
12 where did the Benadryl come from?

13 MR. WILLS: [silence] (unintelligible)?

14 LIEUTENANT WOODBERRY: Uh-huh
15 [affirmative]. That's the question.

16 MR. WILLS: All right. Can we – I don't want to
17 answer that question as of right now, until I can
18 completely understand the other charge. And I know
19 what you're gonna say that I'm not cooperating
20 and end the hearing. So, I don't know how to
21 articulate that but I'm –

22 LIEUTENANT WOODBERRY: You could refuse
23 to answer the question its simple.

24 MR. WILLS: But if I refuse to answer the
25 question, does that look like – is that gonna be

1 [unintelligible]?

2 LIEUTENANT WOODBERRY: No, you're
3 avoiding the question, either way. You're avoiding
4 it, you're not answering it. So, you can just say, I
5 don't want to answer at this time. If that's your
6 decision, we're not gonna sit here and go back and
7 forth over a smuggling charge.

8 MR. WILLS: I don't – I don't –

9 LIEUTENANT WOODBERRY: When I bring the
10 witness in that wrote the ticket, you can ask those
11 questions through me. But right now, this is
12 what's on this ticket.

13 MR. WILLS: Yes, ma'am.

14 LIEUTENANT WOODBERRY: And this is what
15 we have to go with.

16 MR. WILLS: So, if I said I don't want to
17 answer that question, this charge, will I
18 be – will I – will I not be in compliance with
19 [unintelligible]?

20 LIEUTENANT WOODBERRY: Will it be held
21 against you?

22 MR. WILLS: Yes, ma'am.

23 LIEUTENANT WOODBERRY: It will weigh
24 heavily, because the question is where did the
25 Benadryl come from? The Benadryl was another

1 medication bottle.

2 MR. WILLS: Yes, it will have – it will
3 be held –

4 LIEUTENANT WOODBERRY: It will weigh in
5 the – the – the consequences, yes.

6 MR. WILLS: Okay.

7 LIEUTENANT WOODBERRY: We need to know
8 where the Benadryl came from. Did – is – was the
9 Benadryl yours? What's wrong, you don't want to
10 answer?

11 MR. WILLS: Yes, I want to answer.

12 LIEUTENANT WOODBERRY: Say it, come on,
13 it's no pressure. I'm trying to get to the
14 understanding of it. You called in a lot of people
15 and we got to get to their testimony. But first, I
16 have to be clear with you, before I bring in
17 witnesses and we ask them questions.

18 MR. WILLS: I thought I was able to ask
19 questions of the witnesses.

20 LIEUTENANT WOODBERRY: You can.

21 MR. WILLS: Before I incriminated myself.

22 LIEUTENANT WOODBERRY: But first, I have
23 to get your testimony –

24 MR. WILLS: Before I –

25 LIEUTENANT WOODBERRY: -- I have to get

1 your testimony. They won't know what you said when
2 they come in here.

3 MR. WILLS: Yeah, but it feels like
4 I'm --

5 LIEUTENANT WOODBERRY: It's gonna take --

6 MR. WILLS: -- it feels like I'm incriminating
7 myself before I ask them.

8 LIEUTENANT WOODBERRY: How?

9 MR. WILLS: Because -- because if I
10 said --

11 LIEUTENANT WOODBERRY: I'm asking you
12 clear questions --

13 MR. WILLS: -- because if --

14 LIEUTENANT WOODBERRY: -- read you your
15 rights.

16 MR. WILLS: -- because if I said yes to
17 anything to anything then you're gonna say you're
18 guilty of everything, get out and go back to state.

19 LIEUTENANT WOODBERRY: That's not
20 necessarily the true, you know, stop.

21 MR. WILLS: It is true! [sound of tape ending].

22 LIEUTENANT WOODBERRY: Do you have any
23 further testimony or documentary evidence that you
24 wish to give, before I continue with the next part
25 of this hearing?

1 MR. WILLS: No.

2 LIEUTENANT WOODBERRY: Do you wish to
3 have your witnesses called?

4 MR. WILLS: No.

5 LIEUTENANT WOODBERRY: You don't want
6 any witnesses?

7 MR. WILLS: No.

8 LIEUTENANT WOODBERRY: Okay. Let the
9 record reflect, inmate Wills no longer wish to have
10 any of the witnesses. Do you have any further
11 testimony?

12 MR. WILLS: No, ma'am.

13 LIEUTENANT WOODBERRY: Let's see. Have
14 all the witnesses, you want have been heard? Do
15 you have any further testimony or evidence to give
16 or do you wish to – do you have any further
17 procedural objections? If not, I will now close
18 testimony at this point. If you would –

19 MR. WILLS: No.

20 LIEUTENANT WOODBERRY: Okay. The time
21 now is 5:00 p.m. I'm going to stop the tape and make
22 a written disposition, then I will restart the tape
23 and read it into the record. I have made a written
24 disposition. Oh, the time is 5:15 p.m. This is
25 Lieutenant Woodberry, Hearing Officer. In the room

1 with me, I have, say your name and DIN number.

2 MR. WILLS: Ruben Wills, 17A3437.

3 LIEUTENANT WOODBERRY: I have made a
4 written disposition. I will now read it into the
5 record. On this report, I find you guilty of
6 unauthorized medication. Not guilty on the charge
7 of 114.10 smuggling. The penalties I'm imposing,
8 is loss of rec – 15 days loss of rec.

9 The evidence relied upon is the actual three pills of
10 Benadryl, which is over the counter and is allowed.

11 The – your testimony and misbehavior report
12 written. Let the record – will you sign this? I got
13 guilty and not guilty on this charge. Let the record
14 reflect inmate Wills has signed the disposition.

15 Any guilty the disposition will be done in a
16 mandatory – mandatory disciplinary charge, and the
17 amount of 5000 being discussed. If you desire to
18 challenge my disposition in this matter, you must
19 file an appeal with superintendent. Tier two, appeal
20 to superintendent within 72 hours. You must clearly
21 state your reason for objection or any disagreements
22 with this disposition. The time now is 5:18 on
23 April 8, 2019, this concludes the hearing.

24

25